

IN RE: PETITION FOR ZONING VARIANCE
SW/S Alden Road, 369' SE
Old Harford Road
2715-2717 Alden Road
9th Election District
4th Councilmanic District
Emanuele P. Bontempo, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-396-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1802.3.c. to allow two tracts with respective widths of 50 ft. in lieu of the required 55 ft. and to allow an existing side yard setback of 8 ft. in lieu of the required 10 ft. and from Section 301.2 to allow an open porch to remain at 4 ft. in lieu of the required 7.5 ft., more particularly described on Petitioners' Exhibit 1.

The Petitioner, Rosa Maria Bontempo, appeared, testified and was represented by Gerald V. Caldwell, Sr., Esquire. There were no Prose-

Testimony indicated that the subject property, known as 2715 Alden Road consists of .14 acres +/-, split zoned D.R.5.5 and is currently unim-

proved.
Testimony indicated that the Petitioners are desirous of constructing a single family dwelling on lot No. 2715 of colonial styling for one of their children to reside.

ORDER RECEIVED FOR FILING
Date 5/1/90
By M. D. Dwyer

Testimony indicated that all of the other lots in this neighborhood are 50 ft. width and that lot No. 2715 is the only remaining vacant lot in this neighborhood. In addition, testimony indicated that the Petitioners also own lot No. 2719 on which they currently reside and lot No. 2717 which they currently rent.

The Petitioners have also requested a zoning variance to permit the existing open porch on lot No. 2717, as indicated on Petitioner's Exhibit No. 1. Due to a typographical error, Section 301.2 was referenced on the Petition in lieu of the correct Section 301.1 which permits a one story open porch to extend into any required yard not more than 25% of the minimum required width of the side yard.

The Petitioner has also requested an 8 ft. side yard setback in lieu of the required 10 ft. on lot No. 2717, as indicated on Petitioners' Exhibit No. 1.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1st day of May, 1990 that the Petition for a Zoning Variance to allow two tracts with respective widths of 50 ft. in lieu of the required 55 ft. and to allow an existing side yard setback of 8 ft. in lieu of the required 10 ft. and from Section 301.1 to allow an open porch to remain at 4 ft. in lieu of the required 7.5 ft., in accordance with Petitioners' Exhibit No. 1 is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible

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for returning, said property to its original condition.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:mmn
cc: Peoples Counsel

ORDER RECEIVED FOR FILING
Date 5/1/90
By M. D. Dwyer

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

April 26, 1990



Dennis F. Rasmussen
County Executive

Gerald V. Caldwell, Sr., Esquire
7701 Belair Road
Baltimore, Maryland 21236

RE: Petition for Zoning Variance
Case No. 90-396-A

Dear Mr. Caldwell:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mmn
cc: Mr. and Mrs. Emanuele P. Bontempo
2719 Alden Road
Baltimore, Maryland 21234
cc: Peoples Counsel

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-396-A
The undersigned, legal owner(s) of the property situate in Baltimore County, which is described in the description and plat attached hereto and made a part hereof, hereby petition for a variance from Section 1802.3.c. To allow two tracts a width of 50 feet in lieu of the required 55 feet and on #2717, to allow an existing side yard setback of 8 feet in lieu of the required 10 feet AND from 301.2 - To allow an open porch to remain at 4 feet in lieu of the required 7.5 feet. R.M.B.
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

SEE ATTACHED LETTER

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:
Name
Address
City and State
Phone No.

Legal Owner(s):
EMANUELE P. BONTEMPO
(Type or Print Name)
Signature
ROSA MARIA BONTEMPO
(Type or Print Name)
Signature
2719 Alden Road 8824731
Baltimore Md. 21234
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
City and State
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 28th day of April 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 18th day of April 1990 at 9:30 o'clock P.M.

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Date 5/1/90
By M. D. Dwyer

ESTIMATED LENGTH OF HEARING 1-1/2 HRS. (over)
AVAILABLE FOR HEARING MON./TUES./WED. - 10:00 AM - 12:00 PM
ALL OTHERS DATE 5/1/90
REVIEWED BY: CAM

Gerald V. Caldwell
Gerald V. Caldwell, Jr.

680-7742

Caldwell & Caldwell
ATTORNEYS AT LAW
7701 BELAIR ROAD
BALTIMORE, MD. 21236

January 8, 1990

Zoning Department for
Baltimore County
Baltimore County Office Building
Towson, Maryland 21204

Dear Sir:

I represent Emanuele P. Bontempo and Rosa Maria Bontempo who purchased two lots of ground on June 23, 1989, at a substantial cost.

These lots were recorded in S.M. Liber 8211/Folio 511. Lot number 2717 was already improved, but lot number 2715 is unimproved. This lot 50'x125' is 5' short in the width and needs a variance for a building permit.

It is very important that the Bontempo's receive a variance of 5' to eventually build on this lot. This lot is the only vacant lot on Alden Road. All the other homes have been built on 50' lots.

If the variance is not received it would cause a financial and emotional hardship to my client, since they intended to build on it for one of their children.

Sincerely yours,
Gerald V. Caldwell, Sr.

GVS, Sr./mu

ZONING DESCRIPTION

Beginning on the southwest side of Alden Road as laid out on a Plat recorded among the Land Records of Baltimore County in Plat Book C.W.B., Jr. No. 12, folio 28 at a point 369.49 feet measured southeasterly along the southwest side of Alden Road from the corner formed by the intersection of the south west side of Alden Road with the southeast side of Old Harford Road and running thence binding on the southwest side of Alden Road south 47 degrees 44 minutes east 50 feet to the beginning of a parcel of land by deed dated April 30, 1941 recorded among the Land Records of Baltimore County in Liber C.W.B., Jr. No. 1158, folio 467, was conveyed by William F. Rader and wife to James P. Kelly thence running at right angles to said Road and binding reversely on the last line of the aforesaid parcel of land south 42 degrees 16 minutes west 125.84 feet and thence running parallel to Alden Road north 47 degrees 44 minutes west 50 feet and thence north 42 degrees 16 minutes east 125.84 feet to the place of beginning.

Also known as 2715 Alden Road in the 9th Election District.
Lavender Subdivision.

ZONING DESCRIPTION

Beginning on the southwest side of Alden Road as laid out on a Plat recorded among the Plat Records of Baltimore County in Liber C.W.B., Jr. No. 12, folio 28 at a point distant 419.49 feet measured southeasterly along the southwest side of Alden Road from the corner formed by the intersection of the southwest side of Alden Road with the southeast side of Old Harford Road and running thence binding on the southwest side of Alden Road south 42 degrees 16 minutes west 125.84 feet thence running parallel to Alden Road north 47 degrees 44 minutes west 50 feet and thence north 42 degrees 16 minutes east 125.84 feet to the place of beginning.

Also known as 2717 Alden Road in the 9th Election District.
Lavender Subdivision.

257
90-396-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 90-396-A
Date of Posting: 4/1/90
Posted for: Emanuel P. Bontempo, et ux
Petitioner: Emanuel P. Bontempo, et ux
Location of property: 369' SE Old Harford Road, 2715 & 2717 Alden Road
Location of Sign: 369' SE Old Harford Road, 2715 & 2717 Alden Road
Remarks: Property of J. Robert Haines
Posted by: Matthew
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 30, 1990
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 27, 1990.

THE JEFFERSONIAN.

S. Zabe Olson
Publisher

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Mr. & Mrs. Emanuel P. Bontempo
2715 Alden Road
Baltimore, Maryland 21234

Re: Petition for Zoning Variance
CASE NUMBER: 90-396-A
369' SE Old Harford Road
2715 & 2717 Alden Road
9th Election District - 4th Councilmanic
Petitioner(s): Emanuel P. Bontempo, et ux
HEARING: WEDNESDAY, APRIL 18, 1990 at 9:30 a.m.

Dear Petitioners:

Please be advised that \$ 109.49 is due on the above.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

No 2178

90-396

19900694

4/18/90

PUBLIC HEARING FEES QTY PRICE
080 - POSTING SIGNS / ADVERTISING 1 X \$109.49
TOTAL: \$109.49

LAST NAME OF OWNER: BONTEMPO

B 021*****10949: 2166F
Please make checks payable to: Baltimore County

Cashier Validation:

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

March 1, 1990

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-396-A
369' SE Old Harford Road
2715 & 2717 Alden Road
9th Election District - 4th Councilmanic
Petitioner(s): Emanuel P. Bontempo, et ux
HEARING: WEDNESDAY, APRIL 18, 1990 at 9:30 a.m.

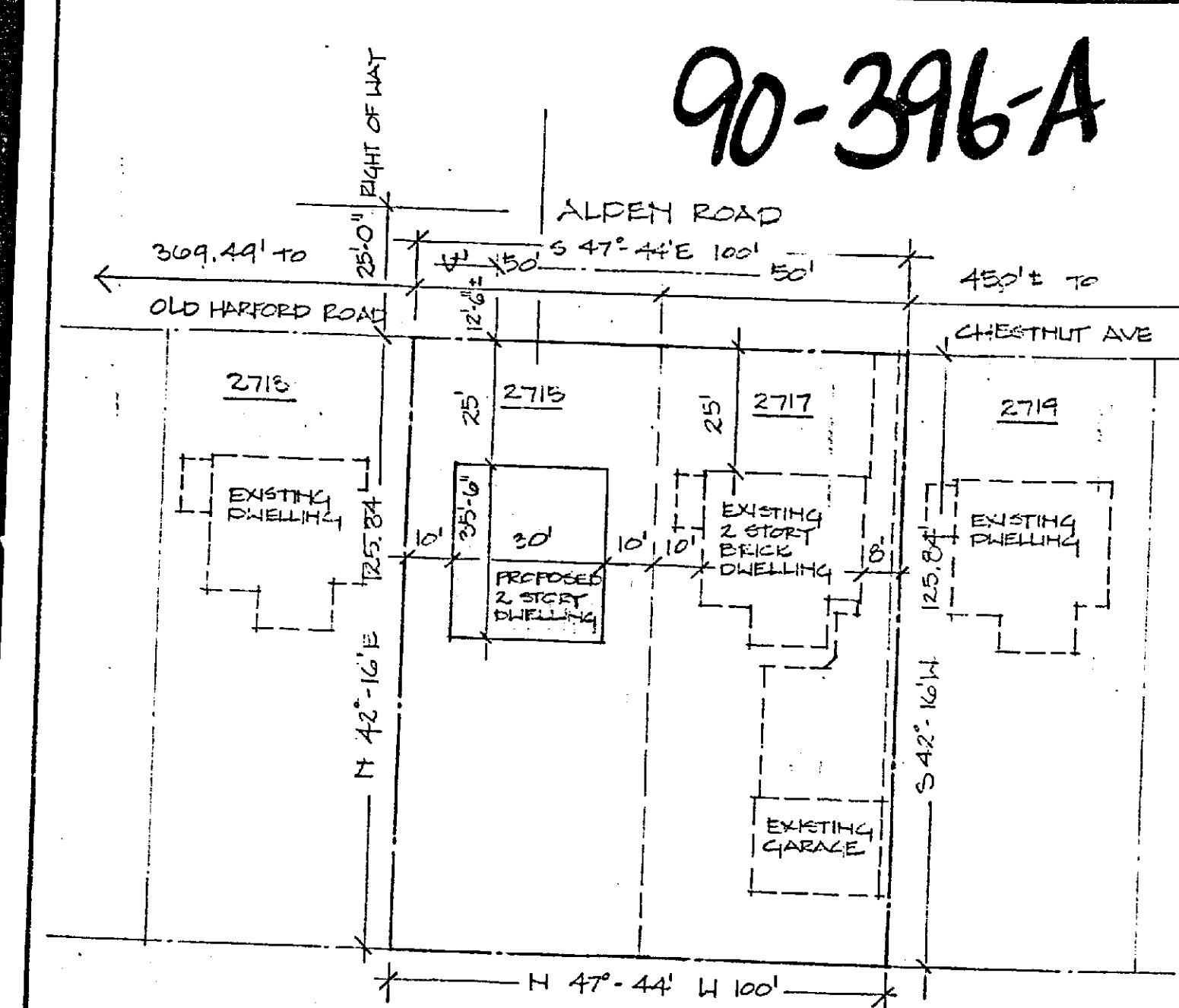
Variance to allow two tracts a width of 50 ft. in lieu of the required 55 ft. and on #2717, to allow an existing side yard setback of 8 ft. in lieu of the required 10 ft. and to allow an open porch to remain at 4 ft. in lieu of the required 7.5 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Mr. & Mrs. Bontempo



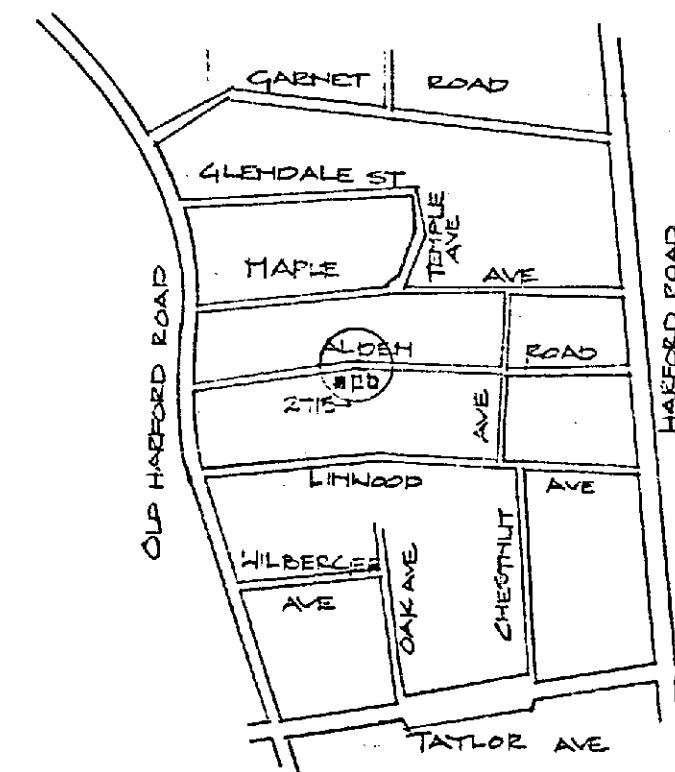
PLAT PLAN FOR ZONING VARIANCE

SCALE: 1" = 30'-0"

OWNER - EMANUELE P. & ROSA MARIA BONTEMPO
DISTRICT - 9 ZONED - P.R.5.5
CHURCHMAN - LAVENDER
C.H.B., J.R.H. 12, FOLIO 20 LOT SIZE: 6292 sq. ft.
EXISTING UTILITIES - IN ALDEN ROAD .14 ACRES

PETITIONER'S EXHIBIT 1

90-396A



VICINITY PLAN

SCALE: 1" = 600'-0"

PLAT FOR ZONING VARIANCE

OWNER: EMANUELE P. & ROSA MARIA BONTEMPO
2715 ALDEN ROAD
BALTIMORE, MARYLAND

Burton Associates Architects, Inc.

3000 Chesapeake Avenue Suite 101 B
Baltimore, Maryland 21201 301.883.1172

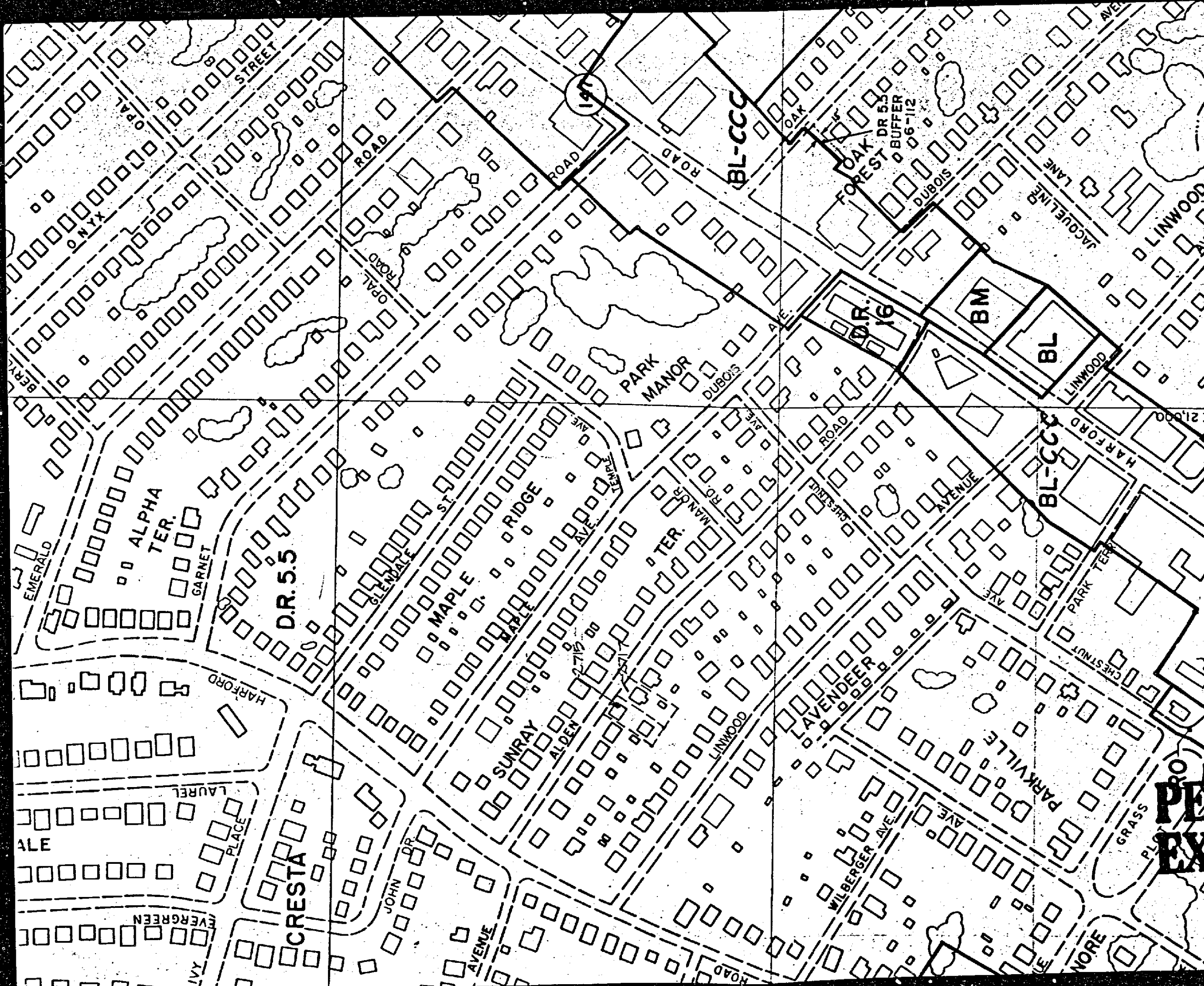
Date: 10-8-89

Scale: AS NOTED

Job: 90-396A

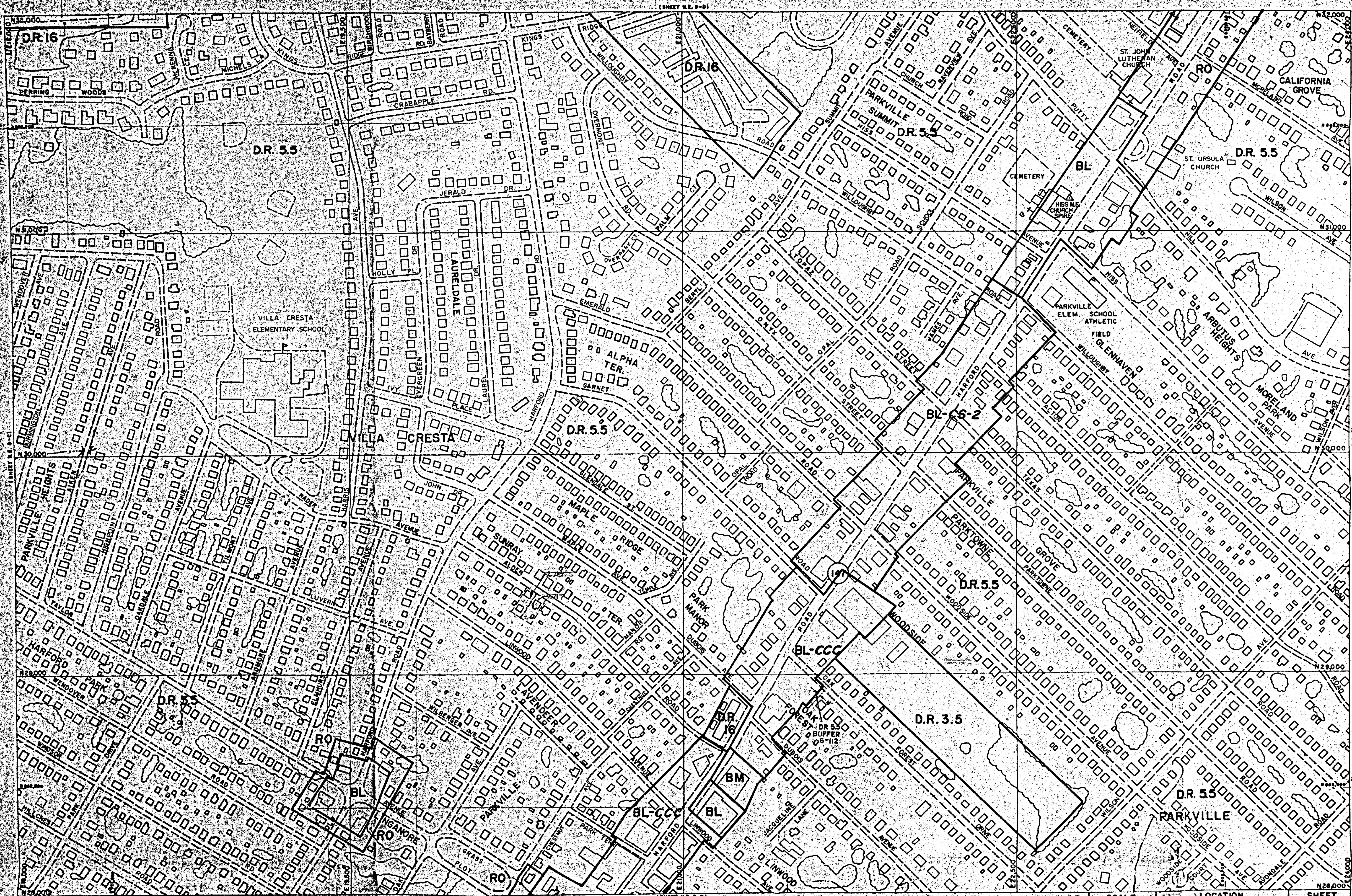
Sheet: 1

SP-1



**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

PETITIONER'S EXHIBIT 2



N. SE
N. NE

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
1988

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'	PARKVILLE	NE 8-D
DATE OF PHOTOGRAPHY		
JANUARY 1986		

90-396-A

257

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

April 3, 1990

Mr. Emanuele P. Bontempo
2719 Alden Road
Baltimore, MD 21234

RE: Item No. 257, Case No. 90-396-A
Petitioner: Emanuele P. Bontempo, et ux
Petition for Zoning Variance

Dear Mr. Bontempo:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
28th day of February, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Emanuele P. Bontempo, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: February 15, 1990
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Emanuele P. Bontempo, Item 257

The Petitioner requests a Variance for relief from setback and lot width requirements.

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

FEB 21 1990

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

March 9, 1990

J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 252, 253, 254, 255, 256, 257 and 258.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Assoc. II

MSF/lab

MAR 21 1990

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Heinicke
Chief

FEBRUARY 14, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: EMANUELE P. BONTEMPO
Location: #2715 AND 2717 ALDEN ROAD
Item No.: 257 Zoning Agenda: FEBRUARY 27, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Paul H. Heinicke* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: March 5, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for February 27, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 252, 253, 255, 256, 257 and 258.

Item 254 is subject to the previous County Review Group comments for this site.

Item 128 is subject to the prior comments.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

MAR 6 1990

IN RE: PETITION FOR ZONING VARIANCE
SW/S Alden Road, 369' SE
Old Harford Road
2715-2717 Alden Road
9th Election District
4th Councilmanic District
Emanuele P. Bontempo, et ux
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Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1st day of May, 1990 that the Petition for a Zoning Variance to allow two tracts with respective widths of 50 ft. in lieu of the required 55 ft. and to allow an existing side yard setback of 8 ft. in lieu of the required 10 ft. and from Section 301.1 to allow an open porch to remain at 4 ft. in lieu of the required 7.5 ft., in accordance with Petitioners' Exhibit No. 1 is hereby GRANTED, subject, however, to the following restriction:

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for returning, said property to its original condition.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:mmn
cc: Peoples Counsel

ORDER RECEIVED FOR FILING
Date 5/1/90
By M. D. Dwyer

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

April 26, 1990



Dennis F. Rasmussen
County Executive

Gerald V. Caldwell, Sr., Esquire
7701 Belair Road
Baltimore, Maryland 21236

RE: Petition for Zoning Variance
Case No. 90-396-A

Dear Mr. Caldwell:

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In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mmn
cc: Mr. and Mrs. Emanuele P. Bontempo
2719 Alden Road
Baltimore, Maryland 21234
cc: Peoples Counsel

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of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SEE ATTACHED LETTER

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:
Name
Address
City and State
Phone No.

Legal Owner(s):
EMANUELE P. BONTEMPO
(Type or Print Name)
Signature
ROSA MARIA BONTEMPO
(Type or Print Name)
Signature
2719 Alden Road 8824731
Baltimore Md. 21234
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
City and State
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 28th day of April 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 18th day of April 1990 at 9:30 o'clock P.M.

ESTIMATED LENGTH OF HEARING 1-1/2 HRS. (over)
AVAILABLE FOR HEARING MON./TUES./WED. - 10:00 AM - 12:00 PM
ALL OTHERS
REVIEWED BY: CAM DATE 28 Feb 90
will be here in July

Gerald V. Caldwell
Gerald V. Caldwell, Jr.

Caldwell & Caldwell
ATTORNEYS AT LAW
7701 BELAIR ROAD
BALTIMORE, MD. 21236

January 8, 1990

Zoning Department for
Baltimore County
Baltimore County Office Building
Towson, Maryland 21204

Dear Sir:

I represent Emanuele P. Bontempo and Rosa Maria Bontempo who purchased two lots of ground on June 23, 1989, at a substantial cost.

These lots were recorded in S.M. Liber 8211/Folio 511. Lot number 2717 was already improved, but lot number 2715 is unimproved. This lot 50'x125' is 5' short in the width and needs a variance for a building permit.

It is very important that the Bontempo's receive a variance of 5' to eventually build on this lot. This lot is the only vacant lot on Alden Road. All the other homes have been built on 50' lots.

If the variance is not received it would cause a financial and emotional hardship to my client, since they intended to build on it for one of their children.

Sincerely yours,
Gerald V. Caldwell, Sr.

GVS, Sr./mu

ZONING DESCRIPTION

Beginning on the southwest side of Alden Road as laid out on a Plat recorded among the Land Records of Baltimore County in Plat Book C.W.B., Jr. No. 12, folio 28 at a point 369.49 feet measured southeasterly along the southwest side of Alden Road from the corner formed by the intersection of the south west side of Alden Road with the southeast side of Old Harford Road and running thence binding on the southwest side of Alden Road south 47 degrees 44 minutes east 50 feet to the beginning of a parcel of land by deed dated April 30, 1941 recorded among the Land Records of Baltimore County in Liber C.W.B., Jr. No. 1158, folio 467, was conveyed by William F. Rader and wife to James P. Kelly thence running at right angles to said Road and binding reversely on the last line of the aforesaid parcel of land south 42 degrees 16 minutes west 125.84 feet and thence running parallel to Alden Road north 47 degrees 44 minutes west 50 feet and thence north 42 degrees 16 minutes east 125.84 feet to the place of beginning.

Also known as 2715 Alden Road in the 9th Election District.
Lavender Subdivision.

ZONING DESCRIPTION

Beginning on the southwest side of Alden Road as laid out on a Plat recorded among the Plat Records of Baltimore County in Liber C.W.B., Jr. No. 12, folio 28 at a point distant 419.49 feet measured southeasterly along the southwest side of Alden Road from the corner formed by the intersection of the southwest side of Alden Road with the southeast side of Old Harford Road and running thence binding on the southwest side of Alden Road 47 degrees 44 minutes east 50 feet thence running at right angles to said Road south 42 degrees 16 minutes west 125.84 feet thence running parallel to Alden Road north 47 degrees 44 minutes west 50 feet thence north 42 degrees 16 minutes east 125.84 feet to the place of beginning.

Also known as 2717 Alden Road in the 9th Election District.
Lavender Subdivision.

257
90-396-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 90-396-A
Date of Posting: 4/1/90
Posted for: Emanuel P. Bontempo, et ux
Petitioner: Emanuel P. Bontempo, et ux
Location of property: 369' SE Old Harford Road, 2715 & 2717 Alden Road
Location of Sign: 369' SE Old Harford Road, 2715 & 2717 Alden Road
Remarks: Property of J. Robert Haines
Posted by: [Signature]
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 30, 1990
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 27, 1990.

THE JEFFERSONIAN.

S. Zabe Olson
Publisher

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 5-4-90

Re: Mr. & Mrs. Emanuel P. Bontempo
2715 Alden Road
Baltimore, Maryland 21234

Re: Petition for Zoning Variance
CASE NUMBER: 90-396-A
369' SE Old Harford Road
2715 & 2717 Alden Road
9th Election District - 4th Councilmanic
Petitioner(s): Emanuel P. Bontempo, et ux
HEARING: WEDNESDAY, APRIL 18, 1990 at 9:30 a.m.

Dear Petitioners:

Please be advised that \$ 109.49 is due on the above.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

No 2178

90-396

19900694

4/18/90

PUBLIC HEARING FEES
QTY PRICE
080 POSTING SIGNS / ADVERTISING 1 X \$109.49
TOTAL: \$109.49

LAST NAME OF OWNER: BONTEMPO

B 021*****10949: 2166F
Please make checks payable to: Baltimore County

Cashier Validation:

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

March 1, 1990

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

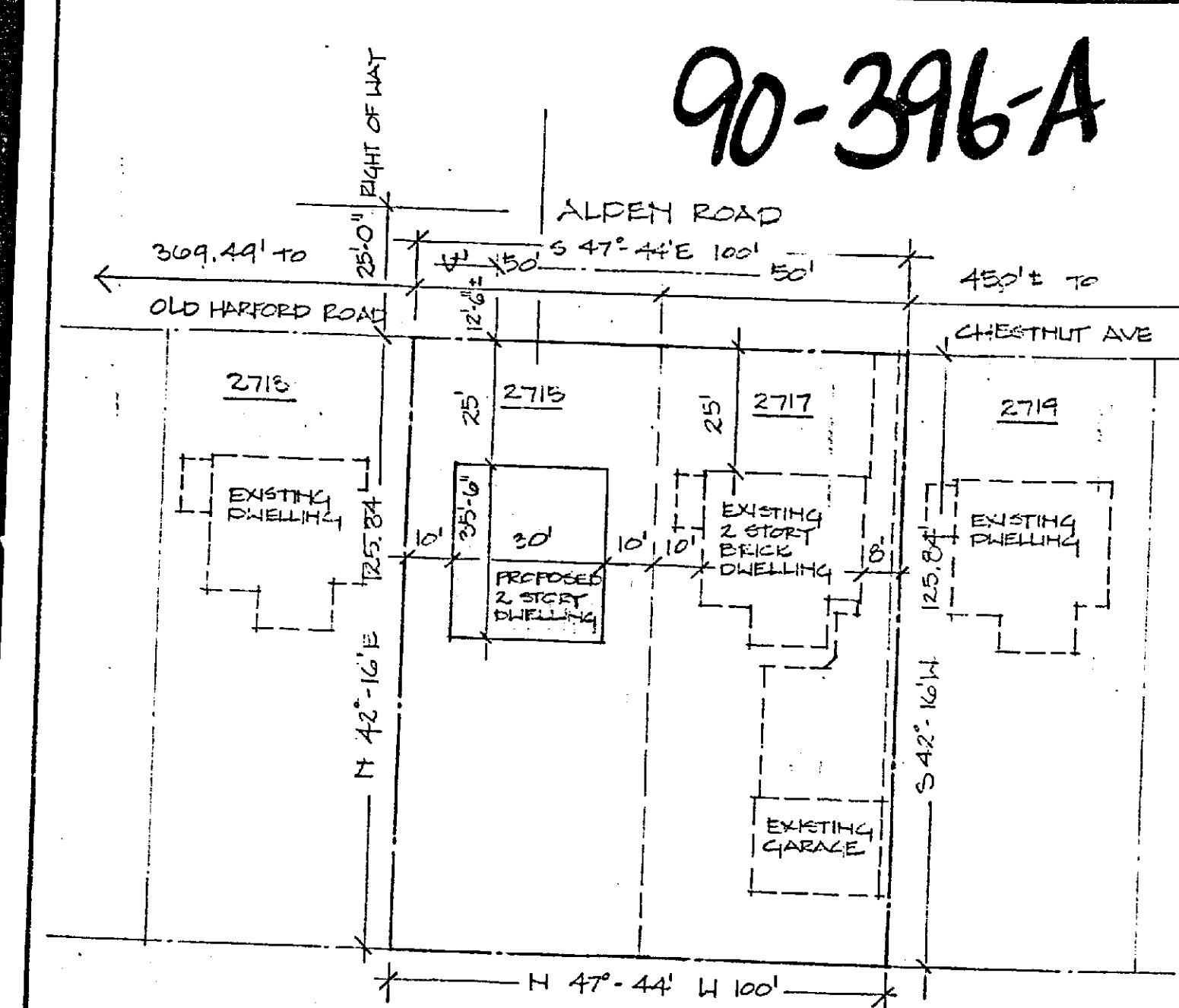
Petition for Zoning Variance
CASE NUMBER: 90-396-A
369' SE Old Harford Road
2715 & 2717 Alden Road
9th Election District - 4th Councilmanic
Petitioner(s): Emanuel P. Bontempo, et ux
HEARING: WEDNESDAY, APRIL 18, 1990 at 9:30 a.m.

Variance to allow two tracts a width of 50 ft. in lieu of the required 55 ft. and on #2717, to allow an existing side yard setback of 8 ft. in lieu of the required 10 ft. and to allow an open porch to remain at 4 ft. in lieu of the required 7.5 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Mr. & Mrs. Bontempo



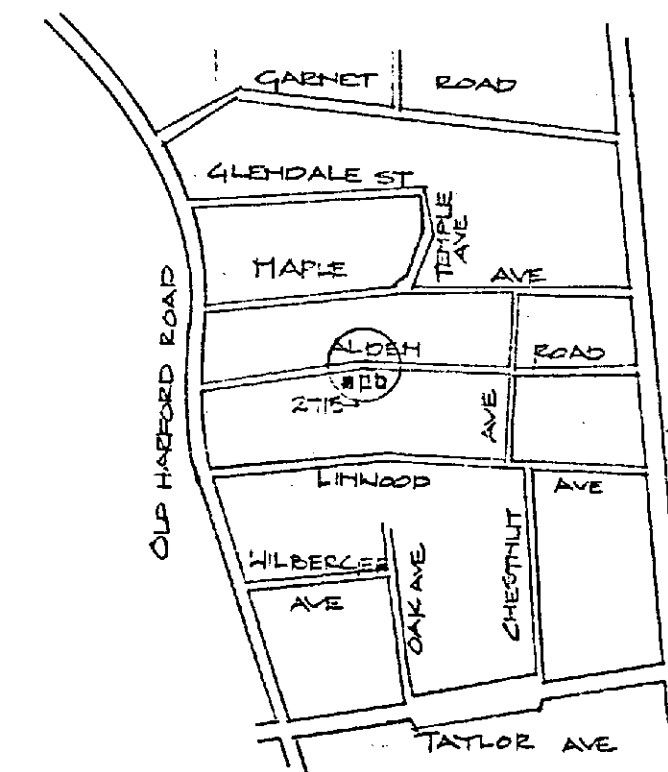
PLAT PLAN FOR ZONING VARIANCE

SCALE: 1" = 30'-0"

OWNER - EMANUELE P. & ROSA MARIA BONTEMPO
DISTRICT - 9 ZONED - P.R.5.5
CHURCHMAN - LAVENDER
C.H.B., J.R.H. 12, FOLIO 20 LOT SIZE: 6292 sq. ft.
EXISTING UTILITIES - IN ALDEN ROAD .14 ACRES

PETITIONER'S EXHIBIT 1

90-396A



VICINITY PLAN

SCALE: 1" = 600'-0"

PLAT FOR ZONING VARIANCE

Burton Associates Architects, Inc.
3000 Chesapeake Avenue Suite 101 B
Baltimore, Maryland 21201 301.883.1172

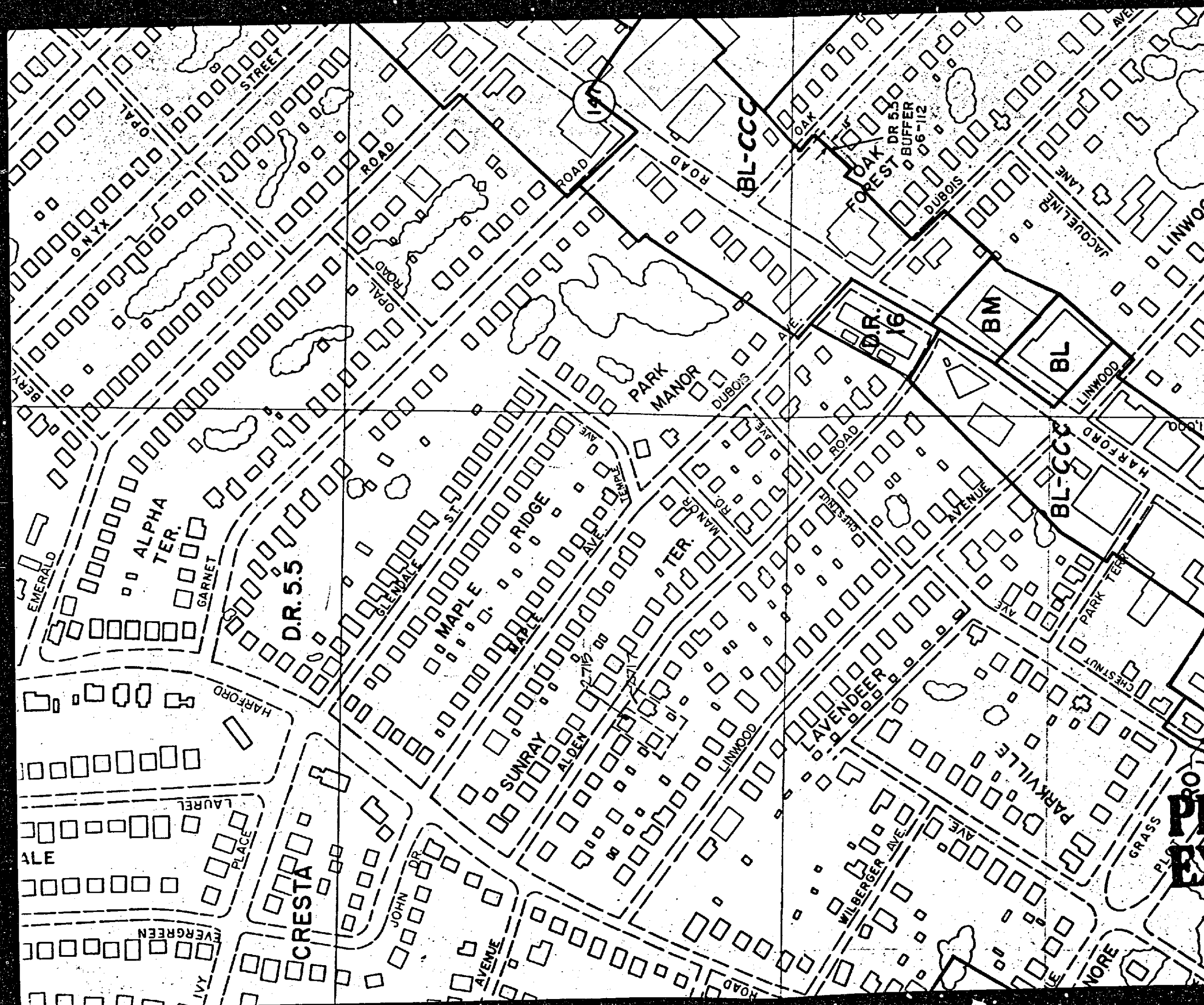
Date

Scale

Job

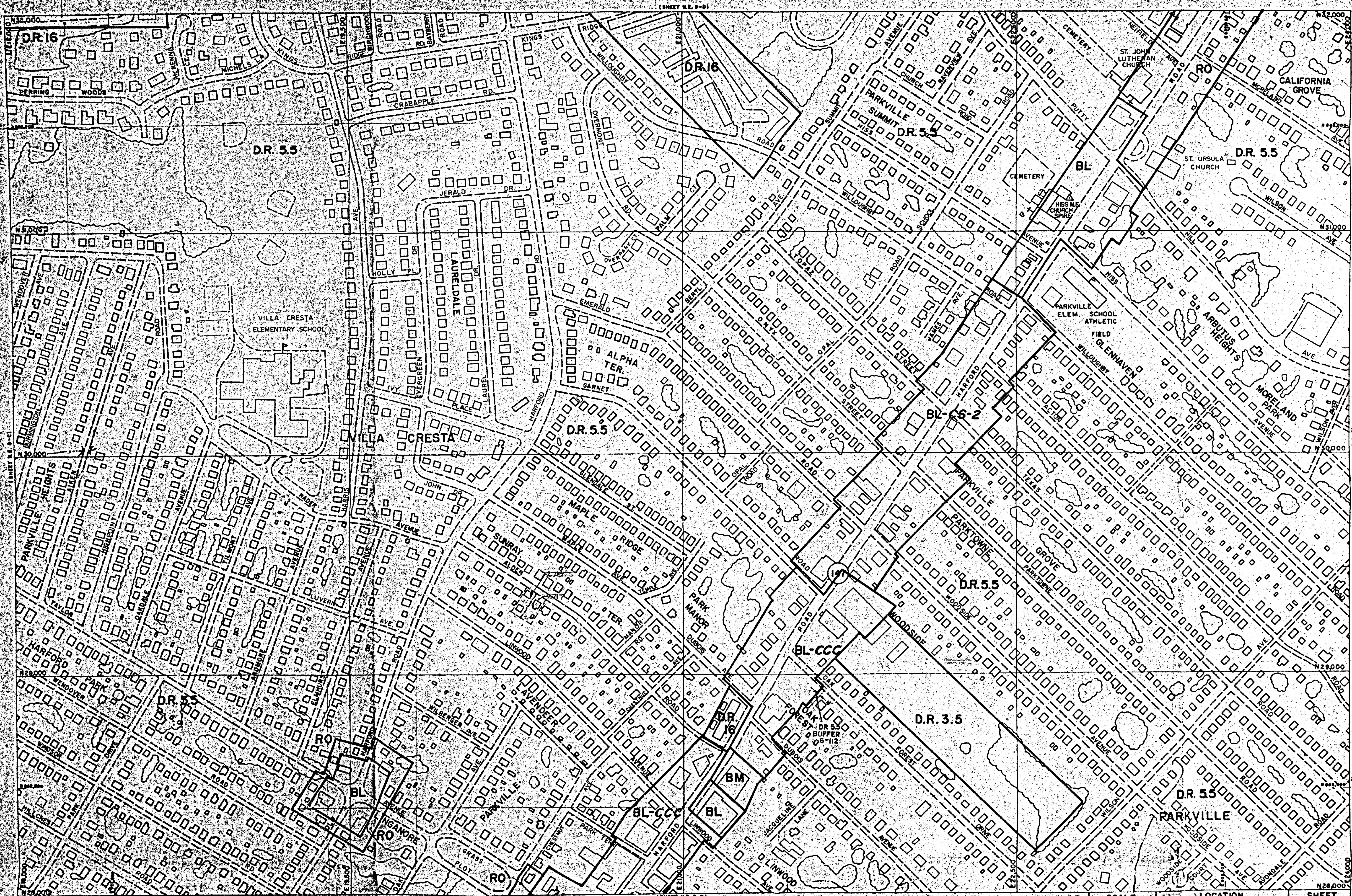
Sheet

SP-1



**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

PETITIONER'S EXHIBIT 2



N SE
N NE

1986 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
JAN 13, 1986
EN 100-144-20, 145-20, 146-20, 147-20, 148-20, 149-20, 150-20

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'	PARKVILLE	NE 8-D
DATE OF PHOTOGRAPHY		
JANUARY 1986		

90-396-A

257

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

April 3, 1990

Mr. Emanuele P. Bontempo
2719 Alden Road
Baltimore, MD 21234

RE: Item No. 257, Case No. 90-396-A
Petitioner: Emanuele P. Bontempo, et ux
Petition for Zoning Variance

Dear Mr. Bontempo:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
28th day of February, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Emanuele P. Bontempo, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: February 15, 1990
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Emanuele P. Bontempo, Item 257

The Petitioner requests a Variance for relief from setback and lot width requirements.

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

FEB 21 1990

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

March 9, 1990

J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 252, 253, 254, 255, 256, 257 and 258.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Assoc. II

MSF/lab

MAR 21 1990

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Heinicke
Chief

FEBRUARY 14, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: EMANUELE P. BONTEMPO
Location: #2715 AND 2717 ALDEN ROAD
Item No.: 257 Zoning Agenda: FEBRUARY 27, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Paul H. Heinicke* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee
DATE: March 5, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for February 27, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 252, 253, 255, 256, 257 and 258.

Item 254 is subject to the previous County Review Group comments for this site.

Item 128 is subject to the prior comments.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

MAR 6 1990